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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,657	10/03/2003	Kirk Michael Bresniker	200208655-1	9753

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EXAMINER

STOYNOV, STEFAN

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/678,657	BRESNIKER ET AL.	
	Examiner	Art Unit	
	Stefan Stojnov	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 14-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/8/05 and 8/9/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election with traverse of claims 1-13 in the reply filed on 06/21/2006 is acknowledged. Claims 14-20 are presently withdrawn from consideration.

Claim Objections

Claims 4, 5, and 13 are objected to because of the following informalities:

Claim 4 recites the limitation "communication bus", whereas claim 1 (upon which claim 4 depends) recites "communication link".

Similarly, claim 5 recites the limitation "management processing component", whereas claim 1 (upon which claim 5 depends) recites "management component".

Replacing the above listed limitations in claims 4 and 5 with "communication link" and "management component", accordingly, is suggested.

In claim 13, line 2, the word "equipment" appears to be missing between the words "rack" and "management".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 3 recites the limitations "rack equipment operating settings" and "performance levels" in lines 3 and 4. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Brock et al., U.S. Patent No. 6,836,849. All claim limitations in Brock are shown in Figures 1-5.

Regarding claim 1, Brock discloses a rack equipment management system comprising:

rack equipment 301 for participating in information processing activities (column 1, lines 15-21, column 5, lines 35-37, column 7, lines 43-47);

a management component 201 for managing power consumption and thermal load of said rack equipment (column 5, lines 20-34, line 56 – column 6, line 7, column 6, lines 59-62, column 7, lines 1-14, lines 43-47); and

a communication link for communicatively coupling said rack equipment and said management component, wherein said communication link

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communicates information between said management component and said rack equipment.

[Brock does not specifically state a communication link for communicatively coupling said rack equipment and said management component, wherein said communication link communicates information between said management component and said rack equipment. However, Brock discloses the management controller receiving input parameters 204-207 and outputting control signals 202-203 (i.e. communication link for receiving and sending information) used for managing the power of the servers mounted within the rack (column 7, lines 43-47). Thus, Brock inherently discloses a communication link for communicatively coupling said rack equipment and said management component, wherein said communication link communicates information between said management component and said rack equipment]

Regarding claim 2, Brock further discloses wherein said management component controls said power consumption and said thermal load of said rack equipment within a power consumption and heat dissipation budget (column 2, lines 40-48, column 4, lines 30-39, column 5, lines 17-34, column 7, lines 31-47).

Regarding claim 3, Brock further discloses further comprising an operator interface for presenting disparate information in a unified manner and facilitating adjustments in said rack equipment operating settings and performance levels (column 8, lines 45-49).

Regarding claim 4, Brock further discloses wherein said management component 201 analyzes information communicated on said communication bus

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and determines applicability of management plan policies to said information (column 2, lines 40-48, column 5, lines 17-34, line 56 – column 6, line 13, column 7, lines 3-14, column 8, lines 1-13).

Regarding claim 5, Brock further discloses wherein said management processing component directs manipulation of said power consumption and said thermal load of said rack equipment in accordance with management plan policies (column 5, line 56 – column 6, line 13, column 7, lines 3-14, column 8, lines 13-35).

Regarding claim 6, Brock further discloses wherein said management component 201 is included in an intelligent power distribution unit 301, wherein said intelligent power distribution unit aggregates multiple power line cords from said rack equipment into a smaller number of power line cords at a rack level.

[Brock does not specifically state wherein said intelligent power distribution unit aggregates multiple power line cords from said rack equipment into a smaller number of power line cords at a rack level. However, Brock discloses using the rack for mounting individual servers and providing input distribution power to all stand-alone servers (column 5, lines 9-13 – i.e. the power line cords for the individual stand-alone servers are aggregated at the rack level). Thus, Brock inherently discloses wherein said intelligent power distribution unit aggregates multiple power line cords from said rack equipment into a smaller number of power line cords at a rack level]

Regarding claim 7, wherein said communication link communicates information compliant with protocol permitting automatic configuration of power

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consumption and heat dissipation for said rack equipment (the process and sequence of steps (i.e. protocol) for receiving input parameters and outputting the required control parameters over the communication link for regulating the power consumption is executed automatically, based on receiving new policy and service parameters at run time – column 7 line 65 – column 8, line 35, FIG. 4).

Regarding claim 8, Brock discloses a rack equipment management method comprising:

receiving information related to rack equipment management plan (column 6, line 59 – column 7, line 3, lines 43-47, line 66 – column 8, line 1);

analyzing policies of said rack equipment management plan associated with rack equipment operation (column 2, lines 34-40, column 5, lines 17-34, column 8, lines 1-13); and

directing manipulation of power consumption and thermal load associated with said rack equipment (column 2, lines 40-48, column 5, lines 17-34, line 56 – column 6, line 13, column 7, lines 9-14, lines 31-47, column 8, lines 13-25).

Regarding claim 9, Brock further discloses wherein said rack equipment is associated with information processing (column 1, lines 15-21, column 5, lines 35-37).

Regarding claim 10, Brock further discloses wherein directing includes issuing a command to manipulate operation of equipment associated with supporting rack equipment operations (column 5, lines 17-34 line 56 – column 6, line 13, column 7, lines 9-14).

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Regarding claim 11, Brock further discloses wherein said manipulation includes instructions to adjust frequency and voltage of said rack equipment (column 5, lines 17-34 line 56 – column 6, line 13, column 7, lines 9-14).

Regarding claim 12, Brock further discloses wherein said manipulation includes turning on and off said rack equipment (column 5, lines 29-34, column 6, 9-13).

Regarding claim 13, Brock further discloses automatically adjusting said rack management plan interactively (the process and sequence of steps for receiving input parameters and outputting the required control parameters (i.e. interacting) over the communication link for regulating the power consumption is executed automatically, based on receiving new policy and service parameters at run time – column 7 line 65 – column 8, line 35, FIG. 4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zimmer et al., U.S. Patent No. 7,051,215 and Franke et al., U.S. Patent No. 6,976,112 teach inventions similar to the current application.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Stoyanov whose telephone number is (571) 272-4236. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SS



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TC 2100